

REMARKS

Claims 1 through 7 remain in this application. Claim 1 has been amended to more clearly point out the invention.

Objection to the Drawings

1. The Examiner has objected to the drawings for not showing every feature of the claims. Specifically, that “the location of the piezoelectric ignition device extending into the combustion chamber and its location in reference to the bowl and mouth piece pipe must be shown ...”

Applicant directs the Examiner’s attention to FIGs. 1, 3, 5, 6 and 7. FIG.1 shows a top view of the assembled smoking device clearly showing the end of the ignition device 26 protruding beyond the bottom opening in the bowl 12. The end of the mouth piece pipe 16, although unnumbered, is also shown. The bowl 12 is shown in FIG. 5A and is a solid cylinder having a threaded portion 29 which screws into the extension of the stem member 10. As previously stated, the bowl 12 forms the upper portion of the combustion chamber.

FIG. 3 shows a stem-end view of the assembled smoking device in which the vertical external portions of the mouth piece pipe and the ignition device can be seen. The center line of the ignition device can be clearly seen to be above that of the center line of the mouth piece pipe.

FIGs. 6A, B and C clearly show that the ignition device is symmetrical and that the end 26 of the ignition device which extends into the combustion chamber is centrally located in the ignition device. The same is true of the mouth piece pipe as shown in FIGs. 7A, 7B and 7C.

Since it can be assumed that the mouth piece pipe communicates with the combustion chamber, the “ignition device extending into the combustion chamber above the mouth piece pipe and below the bowl” is clearly shown in the drawings.

Applicant requests the Examiner to reconsider the objection to the drawings.

Rejection of the claims

The Examiner has finally rejected all of the claims as being obvious over US 1,157,771 to Fulton in view of US 3,698,400 to Tucker, alone, or in further view of several additional US Patents. Applicant disagrees and provides the following arguments to support his position.

Response to Arguments

1. In response to the First Office Action, applicant had argued that Fulton only shows the ignition device at the bottom of the combustion chamber. The Examiner pointed out that

Fulton's ignition device "is located partially above the mouthpiece pipe as well as extending below the bowl... ."

In Fulton, the "bowl" is coextensive with the "combustion chamber" while in applicant's invention (and claims) the bowl forms only the upper portion of the combustion chamber. Applicant's claim 1 requires the ignition device to extend into the combustion chamber, not just to communicate with the combustion chamber. Fulton does not disclose any ignition device which is not at the bottom of the combustion chamber.

2. The Examiner states that Tucker is cited for his teaching of a piezoelectric ignition device, not for his teaching of the location of his ignition device and argues that it would be obvious to substitute Tucker's device for that of Fulton.

Applicant believes this argument is faulty, first, for not taking all of the teaching in Tucker into consideration when assessing his teaching. Tucker clearly teaches that the reason his ignition device works is because of the physical properties of the means used to ignite the gaseous fuel and the fact that the fuel is heavier than air and needs to be dispensed from the top of the combustion chamber in order to burn properly.

Second, Tucker does not teach a piezoelectric "torch" or jet flame type of ignition device. Applicant's claim 1 recites that the ignition device is "for generating a torch flame capable of extending into the combustion chamber... ." Claim 1 has been amended to more clearly point out that the piezoelectric device is of the "torch" or jet flame device incorporated by reference in applicant's paragraph 0031.

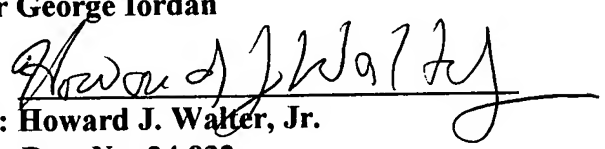
Tucker does not suggest or render applicant's claim 1 obvious and reconsideration of the rejection is requested.

Since each of Applicant's claims 2 through 7 are dependent on applicant's claim 1, the obviousness of these claims can not be argued based on a patentable claim.

In view of the above, it is believed that all of the claims are patentable and it is requested that reconsideration of the rejection be made.

Respectfully submitted,

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